

Senate Study Bill 1008

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
EDUCATION BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the duties and operations of library
2 districts.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 1590XD 83
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1 1 Section 1. Section 336.2, unnumbered paragraphs 2 and 6,
1 2 Code 2009, are amended to read as follows:
1 3 Eligible electors residing within the proposed district in
1 4 a number not less than five percent of those voting for
1 5 president of the United States or governor, as the case may
1 6 be, within the district at the last general election may
1 7 petition the board of supervisors of the county, or the city
1 8 council, for the establishment of the library district. The
1 9 petition shall clearly designate the area to be included in
1 10 the district, the total number of board members, and how
~~1 11 representation on the board shall be divided among the~~
~~1 12 jurisdictions.~~
1 13 After the establishment of a library district other areas
1 14 may be included by mutual agreement subject to the approval of
1 15 the board of trustees of the library district and the
1 16 governing body passage of a referendum by the electors of the
1 17 area sought to be included.
1 18 Sec. 2. Section 336.4, Code 2009, is amended to read as
1 19 follows:
1 20 336.4 LIBRARY TRUSTEES.
1 21 In any area in which a library district has been
1 22 established in accordance with this chapter, a board of
1 23 library trustees, consisting of five, seven, or nine ~~electors~~
~~1 24 of members who reside within the library district, shall be~~
1 25 appointed by the ~~board of supervisors of any county or city~~
1 26 governing bodies of the jurisdictions comprising the library
1 27 district. ~~Membership on the library board shall be~~
~~1 28 apportioned between the rural and city areas of the district~~
~~1 29 in proportion to the population in each of such areas. In the~~
~~1 30 event the library district is composed of two or more~~
~~1 31 counties, two or more cities, or any combination of counties~~
~~1 32 and cities, representation on the library board shall be~~
~~1 33 equitably divided between or among the counties and cities in~~
~~1 34 proportion to the population in each of the counties and~~
~~1 35 cities.~~
2 1 Sec. 3. Section 336.5, Code 2009, is amended to read as
2 2 follows:
2 3 336.5 TERMS == VACANCIES.
2 4 1. Of said the trustees so appointed in accordance with
~~2 5 section 336.4 on boards to consist consisting of nine members,~~
2 6 three shall hold office for two years, three for four years,
2 7 and three for six years; on boards ~~to consist consisting~~ of
2 8 seven members, two shall hold office for two years, two for
2 9 four years, and three for six years; and on boards ~~to consist~~
2 10 consisting of five members, one shall hold office for two
2 11 years, two for four years, and two for six years, from the
2 12 first day of July following their appointment in each case.
2 13 At ~~their the~~ first meeting ~~they of the board, members~~ shall
2 14 cast lots for their respective terms, reporting the result of
2 15 such lot to ~~the board of supervisors the governing body of~~
~~2 16 each jurisdiction forming the library district. All~~
2 17 subsequent appointments, whatever the size of the board, shall
2 18 be for terms of six years each.
2 19 2. A vacancy exists when a member ceases to be a resident

2 20 of the jurisdiction the member represents or is absent for six
2 21 consecutive regular meetings of the board.

2 22 3. Vacancies shall be filled for unexpired terms by the
2 23 governing body of the ~~taxing unit of the district jurisdiction~~
2 24 represented by the ~~retiring member vacancy~~.

2 25 Sec. 4. Section 336.8, Code 2009, is amended to read as
2 26 follows:

2 27 336.8 POWERS.

2 28 ~~Said~~ The board of library trustees shall have and exercise
2 29 the following powers:

2 30 1. To meet and ~~organize by the election of one of their~~
2 31 ~~number as elect from among its members~~ a president of the
2 32 board, and by the election of a secretary, and such other
2 33 officers as the board may deem necessary.

2 34 2. To ~~direct and control all affairs of the library~~
2 35 ~~district, as well as to have charge, and supervision of the~~
3 1 public library, and its rooms, appurtenances, and fixtures,
3 2 and rooms containing the same, directing and controlling all
3 3 the affairs of such library.

3 4 3. To employ a librarian, and authorize the librarian to
3 5 employ such assistants and employees as may be necessary for
3 6 the proper management of ~~said the library, and district. The~~
3 7 board shall fix their the compensation, but, prior of such
3 8 employees. Prior to such employment, the compensation of such
3 9 the librarian, assistants, and employees shall be fixed for
3 10 the term of employment by a majority of the members of ~~said~~
3 11 the board voting in favor thereof.

3 12 4. To remove ~~such, by a two-thirds vote of the board, the~~
3 13 librarian, assistants, or employees by a vote of two-thirds of
3 14 ~~such board~~ for misdemeanor, incompetency, or inattention to
3 15 the duties of such employment duty.

3 16 5. To authorize the librarian to select and make purchases
3 17 of books, pamphlets, magazines, periodicals, papers, maps,
3 18 journals, furniture, fixtures, ~~stationery technology~~, and
3 19 supplies for ~~such the library district~~.

3 20 6. To authorize the use of ~~such libraries by school~~
3 21 ~~corporations or the public library~~ by nonresidents of the area
3 22 which is taxed to support ~~such libraries the public library~~
3 23 and to fix charges therefor for library services.

3 24 7. To make and adopt, amend, modify, or repeal bylaws,
3 25 rules, and regulations, not inconsistent with law, for the
3 26 care, use, government, and management of ~~such the public~~
3 27 library and the business of ~~said the board~~, fixing and
3 28 enforcing penalties for the violation thereof violations. The
3 29 board shall keep a record of its proceedings.

3 30 8. To have exclusive control of the expenditures all funds
3 31 allocated for public library purposes, as provided by law, and
3 32 of the expenditures of all moneys available by gift or
3 33 otherwise for the erection of public library buildings, and
3 34 all other moneys belonging to the public library, including
3 35 fines and rental fees collected, under the rules of the board.

4 1 The board shall keep a record of its proceedings.

4 2 9. To accept gifts of ~~any real property, personal~~
4 3 ~~property, or mixed property, and devises and bequests,~~
4 4 including trust funds; to take the title to ~~said the property~~
4 5 in the name of ~~said the public library~~; to execute deeds and
4 6 bills of sale for the conveyance of ~~said the property~~; and to
4 7 expend the funds ~~received by them generated from such the~~
4 8 gifts, for the improvement of ~~said the public library~~.

4 9 10. To make agreements with local county historical
4 10 associations to set apart the necessary room and to care for
4 11 articles that come into the possession of the association.
4 12 The board may purchase necessary receptacles and materials for
4 13 the preservation and protection of articles which are of an
4 14 historical and educational nature.

4 15 Sec. 5. Section 336.10, Code 2009, is amended to read as
4 16 follows:

4 17 336.10 LIBRARY FUND.

4 18 1. All moneys ~~received and set apart appropriated or~~
4 19 ~~received~~ for the maintenance of the public library shall be
4 20 deposited in the treasury of the county or city, as determined
4 21 by the board of library trustees, and ~~paid out upon warrants~~
4 22 ~~drawn by the county or city auditor upon requisition~~
4 23 ~~expenditures shall be paid by the treasurer of the county or~~
4 24 ~~city in which the moneys are deposited on warrants ordered by~~
4 25 of the board of trustees, signed by ~~its the board's~~ president
4 26 and secretary.

4 27 Provided that where a free public library is maintained
4 28 jointly by two or more counties or cities or any combination
4 29 of counties and cities, the library trustees may elect a
4 30 library treasurer, and it shall be the duty of the city and

~~4 31 county treasurers to pay over to the library treasurer any and~~
~~4 32 all library taxes that may be collected by them monthly.~~

4 33 2. The library treasurer of the county or city in which
4 34 the public library moneys are deposited pursuant to subsection

4 35 1 shall be required to furnish a bond conditioned as provided
5 1 by section 64.2 in an amount as agreed upon by the
5 2 participating boards of supervisors and city councils and the
5 3 cost shall be paid by the participating counties and cities.

5 4 Sec. 6. Section 336.11, Code 2009, is amended to read as
5 5 follows:

5 6 336.11 ANNUAL REPORT.

5 7 The board of library trustees shall, ~~immediately after~~
5 8 ~~within ninety days after~~ the close of each fiscal year, submit
5 9 ~~a report to the board of supervisors, and the city council, as~~
~~5 10 appropriate, a report containing governing bodies of the~~
5 11 ~~respective jurisdictions comprising the library district. The~~

5 12 ~~report shall contain~~ a statement of the condition of the
5 13 library, the number of books ~~and other resources~~ added
5 14 ~~thereto, the number of books and other resources~~ circulated,
5 15 the number of books ~~and other resources~~ not returned or lost,
5 16 the amount of fines collected, and the amount of money
5 17 expended in the maintenance ~~thereof of the public library~~
5 18 ~~during such the preceding fiscal year, together with such~~
~~5 19 further any other information as it may deem the board deems~~
5 20 important.

5 21 Sec. 7. Section 336.12, Code 2009, is amended to read as
5 22 follows:

5 23 336.12 REAL ESTATE ACQUIRED.

5 24 ~~In any county or city in which a free library has been~~
~~5 25 established, the~~ The board of library trustees may purchase
5 26 real estate in the name of the ~~county or city library district~~
5 27 for the location of public library buildings and branch
5 28 libraries, and for the purpose of enlarging the grounds.

5 29 Sec. 8. Section 336.13, Code 2009, is amended to read as
5 30 follows:

5 31 336.13 MAINTENANCE EXPENSE ON PROPORTIONATE BASIS.

5 32 1. The maintenance of a public library established in
5 33 accordance with this chapter shall be on the basis of each
5 34 participating unit bearing its share of the total cost in
5 35 proportion to its population as compared to the total
6 1 population of the library district.

6 2 2. The board of library trustees shall make an estimate of
6 3 the amount necessary for the maintenance of the public
6 4 library, the sources of direct library revenue, and the amount
6 5 to be contributed from taxes or other revenues by the
6 6 participating city or county and hold a hearing on the
6 7 estimate after notice of the hearing is published as provided
6 8 in section 331.305 or section 362.3, as appropriate. On or
6 9 before January 10 of each year, the board of library trustees
6 10 shall transmit the estimate in dollars to the ~~board of~~

~~6 11 supervisors and to the cities governing bodies of the~~
~~6 12 jurisdictions participating in the library district. The~~
~~6 13 unincorporated area of each county in the library district~~
~~6 14 shall be considered as a separate supporting unit. Each board~~

6 15 of supervisors ~~participating~~ shall review the estimate and
6 16 appropriate for library purposes its share ~~in from~~ the county
6 17 rural services fund budget. Each city council ~~participating~~
6 18 shall review the estimate for the city and appropriate for
6 19 library purposes its share ~~in from~~ the city general fund
6 20 budget. Each participating city or county shall contribute
6 21 its share from taxation or from other sources available for
6 22 library purposes on an equitable basis. With approval of a
6 23 city council, the county treasurer may withhold a reasonable
6 24 portion of the taxes collected for a city to meet the city's
6 25 contribution for library purposes and deliver a receipt to the
6 26 city clerk for the amount withheld.

6 27 3. This section shall not affect the taxing authority
6 28 provided under section 256.69.

6 29 Sec. 9. Section 336.15, Code 2009, is amended to read as
6 30 follows:

6 31 336.15 EXISTING CONTRACTS ASSUMED.

6 32 Whenever a library district is established in accordance
6 33 with this chapter, its board of trustees shall assume all the
6 34 obligations of the existing ~~library service~~ contracts made by
6 35 ~~cities, townships, school corporations, or counties to receive~~
~~7 1 library service from free public libraries jurisdictions~~
7 2 ~~participating in the library district.~~

7 3 Sec. 10. Section 336.16, Code 2009, is amended to read as
7 4 follows:

7 5 336.16 WITHDRAWAL FROM DISTRICT == TERMINATION.

7 6 1. A city may withdraw from the library district upon a

7 majority vote in favor of withdrawal by the electorate of the
7 city in an election held on a motion by the city council. The
7 election shall be held simultaneously with a general or city
7 election. Notice of a favorable vote to withdraw shall be
7 sent by certified mail to the board of library trustees of the
7 library district and the county auditor or city clerk, as
7 appropriate, prior to January 10, and the withdrawal shall be
7 effective on July 1.

7 2. A county may withdraw from the district after a
7 majority of the voters of the unincorporated area of the
7 county voting on the issue favor the withdrawal. The board of
7 supervisors shall call for the election which shall be held at
7 the next general election.

7 3. A city or county election shall not be called until a
7 hearing has been held on the proposal to submit a proposition
7 of withdrawal to an election. A hearing may be held only
7 after public notice published as provided in section 362.3 in
7 the case of a city or section 331.305 in the case of a county.
7 A copy of the notice submitted for publication shall be mailed
7 to the public library on or before the date of publication.
7 The proposal presented at the hearing must include a plan for
7 continuing adequate library service with or without all
7 participants and the respective allocated costs and levels of
7 service shall be stated. At the hearing, any interested
7 person shall be given a reasonable time to be heard, either
7 for or against the withdrawal or the plan to accompany it.

7 4. A library district may be terminated if a majority of
7 the electors of the unincorporated area of the county and the
7 cities included in the library district voting on the issue
7 1 favor the termination. ~~The election shall be held upon motion~~
~~of the board of supervisors and simultaneously with a general~~
~~or other county election.~~ If the vote favors termination, the
7 termination shall be effective on the succeeding July 1.

7 5. An election for withdrawal from or termination of a
7 library district shall not be held more than once each four
7 years.

7 6. ~~If a jurisdiction does not bear its proportionate share~~
~~of the total cost of operating the library district, the board~~
~~of library trustees may terminate that jurisdiction's~~
~~inclusion in the library district and may cease providing~~
~~library services to the residents of that jurisdiction.~~

7 Sec. 11. Section 336.18, subsection 4, paragraphs c and d,
7 Code 2009, are amended to read as follows:

7 c. If a majority of those voting upon the question favors
7 it, the board of supervisors shall ~~within thirty days appoint~~
~~a board of library trustees from residents of the petitioning~~
~~area. Vacancies shall be filled by the board.~~

7 d. ~~The board of trustees may~~ contract with ~~any~~ a library
7 for library use or service for the benefit of the residents
7 and area represented by it.

7 Sec. 12. NEW SECTION. 336.19 CONTRACTS FOR USE OF PUBLIC
7 LIBRARY.

7 1. CONTRACTING. The board of library trustees may
7 contract with any other board of trustees of a free public
7 library or any other city, school corporation, institution of
7 higher learning, township, or county, or with the trustees of
7 any county library district for the use of the library by
7 their respective residents.

7 2. TERMINATION. A contract entered into pursuant to
7 subsection 1 may be terminated as follows:

7 a. By mutual consent of the contracting parties.

7 b. By a majority vote of the electors represented by
7 either of the contracting parties. Upon a written petition of
7 a number of eligible electors equaling five percent or more of
7 1 the number of electors voting at the last general election
7 2 within the jurisdiction of the contracting party, a
7 3 termination proposition shall be submitted to the electors by
7 4 the governing body of the contracting party. The petition
7 5 shall be presented to the governing body not less than forty
7 6 days prior to the next general election or special election
7 7 held throughout the jurisdiction of the party seeking to
7 8 terminate the contract. The proposition shall be submitted at
7 9 the next general election or next special election held
7 10 throughout the jurisdiction of the party seeking to terminate
7 11 the contract.

7 Sec. 13. Sections 336.6 and 336.17, Code 2009, are
7 repealed.

9 EXPLANATION

9 This bill makes a number of technical and substantive
9 changes to Code chapter 336 provisions relating to library
9 districts. Library districts are composed of one or more

9 18 counties, one or more cities, or any combination of cities and
9 19 counties. The bill amends Code provisions as follows:

9 20 LIBRARY DISTRICTS FORMED. Code section 336.2, unnumbered
9 21 paragraphs 2 and 6, are amended to add that the petition
9 22 eligible electors residing within a proposed library district
9 23 must submit to a jurisdiction for the establishment of the
9 24 library district must include the total number of board
9 25 members and how representation on the board will be divided
9 26 among the jurisdictions. The bill provides that after the
9 27 establishment of a library district, other areas may be
9 28 included if the board of library trustees approves and the
9 29 electors of the area to be added pass a referendum to join the
9 30 district. Currently, other areas may be added by mutual
9 31 agreement of the board of library trustees and the governing
9 32 body of the area to be added.

9 33 LIBRARY TRUSTEES. Code section 336.4 is amended to change
9 34 references to the boards of supervisors of any county or city
9 35 to the "governing bodies of the jurisdictions"; to strike
10 1 language requiring that board membership be apportioned
10 2 between rural and city areas, and counties and cities, in
10 3 proportion to or equitably divided between, respectively, the
10 4 areas served; and to make a technical change.

10 5 MEMBERS' TERMS. Code section 336.5 is amended to refer to
10 6 jurisdictions rather than to boards of supervisors and to the
10 7 governing body of the jurisdiction rather than to the taxing
10 8 unit of the district, and to provide that a vacancy exists if
10 9 a member no longer resides in the jurisdiction or is absent
10 10 for six consecutive board meetings.

10 11 BOARD POWERS. Code section 336.8 is amended to authorize
10 12 the board of trustees to direct and control all affairs of the
10 13 library district, authorize the librarian it employs to employ
10 14 personnel as necessary and to purchase technology, and have
10 15 exclusive control of all funds allocated for library expenses
10 16 and all moneys belonging to the library. The bill requires
10 17 the board to keep a record of its proceedings.

10 18 LIBRARY FUND. Code section 336.10 is amended to establish
10 19 that expenditures paid on order of the board of library
10 20 trustees will be paid by the city or county treasurer from the
10 21 treasury of deposit, rather than by the county or city
10 22 auditor.

10 23 ANNUAL REPORT. Code section 336.11 is amended to give the
10 24 board of library trustees 90 days after the close of the
10 25 fiscal year to submit a report to the respective jurisdictions
10 26 comprising the library district. Currently, the board must
10 27 submit the report immediately after the close of the fiscal
10 28 year. The bill makes minor adjustments to the information
10 29 that must be included in the report.

10 30 REAL ESTATE ACQUIRED. Code section 336.12 is amended to
10 31 strike language limiting the board of library trustees to
10 32 purchasing real estate in the county or city in which the
10 33 public library is established.

10 34 MAINTENANCE EXPENSE ON PROPORTIONATE BASIS. Code section
10 35 336.13 is amended to strike language requiring that
11 1 unincorporated areas of each county in the library district be
11 2 considered a separate supporting unit.

11 3 EXISTING CONTRACTS ASSUMED. Code section 336.15 is amended
11 4 to provide that whenever a library district is established,
11 5 its board of trustees must assume all the obligations of the
11 6 existing library service contracts made by jurisdictions
11 7 participating in the library district. Currently, the board
11 8 of trustees must assume all the obligations of the existing
11 9 contracts made by cities, townships, school corporations, or
11 10 counties to receive library services.

11 11 WITHDRAWAL FROM DISTRICT == TERMINATION. Code section
11 12 336.16 is amended to provide that if a jurisdiction does not
11 13 bear its proportionate share of the cost of operating the
11 14 library district, the board may terminate that jurisdiction's
11 15 inclusion in the district and cease to provide services to its
11 16 residents. The bill also strikes language that provides that
11 17 the election to terminate a library district shall be held
11 18 upon a motion of the board of supervisors and simultaneously
11 19 with a general or other county election, but retains language
11 20 which permits a city or county to withdraw from a library
11 21 district and permits a library district to be terminated if a
11 22 majority of the electors of an unincorporated area of a county
11 23 and the cities included in the library district vote to
11 24 terminate the district.

11 25 CONTRACTS TO USE CITY LIBRARY. Code section 336.18,
11 26 subsection 4, paragraphs "c" and "d", are amended to strike
11 27 language that provides that if a majority of those voting
11 28 approves the question of requiring the board to provide

11 29 library services for them and their area by contract, the
11 30 board of supervisors shall appoint a board of library trustees
11 31 from the residents of the petitioning area within 30 days,
11 32 which board of trustees may contract for library service. The
11 33 provisions are amended to require the board of supervisors,
11 34 upon such approval, to contract with a library for such
11 35 services.

12 1 CONTRACTS TO USE OTHER PUBLIC LIBRARIES. The bill creates
12 2 new Code section 336.19 to permit the board of library
12 3 trustees to contract with any other board of trustees of a
12 4 free public library or any other city, school corporation,
12 5 institution of higher learning, township, or county, or with
12 6 the trustees of any county library district for the use of the
12 7 library by their respective residents. The Code section also
12 8 establishes two ways in which the contract may be terminated,
12 9 by mutual consent of the contracting parties or by a majority
12 10 vote of the electors represented by either of the contracting
12 11 parties.

12 12 REPEALS. The bill repeals Code section 336.6, relating to
12 13 the vacancy of an office of a library trustee due to the
12 14 removal or absence of the trustee, but modifies and moves the
12 15 language to Code section 336.5, subsection 2. The bill also
12 16 repeals Code section 336.17, but moves the language of the
12 17 provision, which relates to agreements with local county
12 18 historical associations, to Code section 336.8.

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